

AMENDMENTS

In the Drawings

The attached sheet of drawings includes changes to Fig. 3. This sheet replaces the original sheet including Fig. 3.

Attachment: Replacement Drawing Sheet

REMARKS

Claims 1-83 are pending in the application.

Claims 1, 24-26, 32-40 and 62 stand rejected.

Claims 2-23, 27-31, 41-61 and 63-83 stand objected to.

Claims 2, 32, 35-39, 41, and 63 have been amended.

Claims 1, 33, 40, and 62 have been cancelled.

Formal Matters

Fig. 3 is amended to correct various informalities. The specification is also amended to correct various informalities. Applicants have attached a Replacement Drawing Sheet of Fig. 3, as requested by the Notice of Non-Compliant Amendment.

Claim Objections

Claims 2-23, 27-31, 41-61 and 63-83 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants express appreciation to the Examiner for the indication of allowability of these claims. Claims 2, 41, and 63 have been rewritten in independent form including all of the features of the base claims. Accordingly, Applicants submit that claims 2, 41, and 63, as well as claims 3-23, 42-61, and 64-83, which depend from claims 2, 41, and 63, are in condition for allowance.

Rejection of Claims under 35 U.S.C. §103

Claims 1, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brewer, et al., U.S. Patent No. 6,876,657 (Brewer). Claims 1, 33, 40, and 62 have been cancelled. Claim 32 is amended to recite

[A] processor; said processor is configured to:
receive a plurality of incoming packets in a first order;
separate said plurality of incoming packets into a plurality of subsets of incoming packets, wherein said plurality of incoming packets is separated according to a plurality of characteristics of said plurality of incoming packets; and
forward said plurality of subsets of incoming packets in a second order.

Applicants respectfully submit that amended claim 32 clearly distinguishes over the cited portions of Brewer.

Applicants submit that the cited portions of Brewer fail to show or teach a plurality of incoming packets that are separated according to a plurality of characteristics of said plurality of incoming packets. With respect to this feature of claim 32, the Examiner states, “Brewer teaches that the plurality of incoming packets is separated according to a plurality of characteristics of the plurality of incoming packets (column 6, lines 5-9).” Office action, page 4. Column 6, lines 5-9 of Brewer state, “At packet ordering block 108, two separate orderings occur. A first ordering for packets that followed the ‘fast path’ through packet forwarding engine 13 is performed by ordering the packet headers in reorder queues 105-0 through 105-7 and in reorder queues 1060 through 106-3.” Nothing in column 6, lines 5-9 of Brewer shows, teaches or suggests separating a plurality of incoming packets according to a plurality of characteristics of said plurality of incoming packets. Indeed, column 6, lines 5-9 discusses reordering packets but fails to address separating packets.

Applicants recognize that Brewer teaches “[a] second separate ordering at packet ordering block 108 is applied to exception packets. Exception packets are identified by an exception bit.” Column 7, lines 1-3. However, using only an exception bit to identify exception packets does not teach separating a plurality of incoming packets according to a *plurality of characteristics*, as recited in claim 32.

Applicants therefore respectfully submit that claim 32 clearly distinguishes over Brewer, taken alone or in view of skill in the art. Thus, independent claim 32, as well as claims 34-39, which depend from claim 32, are allowable for at least the foregoing reasons. Accordingly, Applicants respectfully request withdrawal of the rejections based on 35 U.S.C. § 103 and submit that claims 32 and 34-39 are in condition for allowance.

Claims 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilford, et al., U.S. Patent No. 6,687,247 (Wilford). Applicants note that since the present application was filed on or after November 29, 1999, changes made to 35 U.S.C. §103(c) by the American Inventors Protection Act of 1999 are applicable to the present case. Applicants state for the record that at the time the present invention was made, it and the subject matter disclosed in Wilford were owned by the same person or subject to an obligation of assignment to the same person. Accordingly, Applicants respectfully submit that Wilford is not proper prior art for the purposes of 35 U.S.C. §103(a) and the rejection of claims 24-26 should be withdrawn. Thus, Applicants submit that claims 24-26 are in condition for allowance. Furthermore, claims 27-31, which depend from independent claim 24, are also allowable for at least the same reasons that claim 24 is allowable.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5085.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 2, 2006.



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5/2/06

Date of Signature

Respectfully submitted,



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